



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

MAR 30 2017

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

**CERTIFIED MAIL — RETURN RECEIPT REQUESTED**

Mr. Richard Wright  
Environmental Manager  
Jacksons  
3450 East Commercial Court  
Meridian, Idaho 83642

Re: Expedited SPCC Settlement Agreement  
Docket No. CWA-10-2017-0094  
Jacksons Store #22 Middleton

Dear Mr. Wright:

On February 24, 2015, the Jacksons Store #22 Middleton ("Facility") was inspected by the U.S. Environmental Protection Agency (EPA). During the inspection, apparent violations of the Spill Prevention, Control and Countermeasures (SPCC) regulations were found. The specific allegations are identified in the enclosed SPCC Inspection Findings, Alleged Violations and Proposed Penalty Form (Penalty Form).

EPA has authority under Section 311 of the Clean Water Act (CWA) to pursue civil penalties for violations of the SPCC regulations. EPA encourages the expedited settlement approach for minor, easily correctable violations and provides a discounted, non-negotiable settlement offer in lieu of a more formal, traditional administrative penalty action. For additional information on the EPA Expedited SPCC Settlement Agreement policy, please refer to the December 2, 2003 memorandum at <http://www.epa.gov/enforcement/documents/policies/expeditedsettlements-guid120203.pdf>.

The enclosed Expedited SPCC Settlement Agreement (Expedited Settlement Agreement), if executed by both parties, will be issued in accordance with 40 C.F.R. Part 22, "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits."

You may resolve the cited violations quickly by **correcting the cited violations**, mailing a certified check for the penalty as described below, inserting in the space provided on the Expedited Settlement Agreement the estimated cost for correcting the violations, and signing and returning the original Expedited Settlement Agreement **within 30 days** of your receipt of this letter.

In addition, please provide documentation such as photographs, an updated SPCC plan or other relevant materials showing that your facility has met the requirements and has come into compliance with 40 C.F.R. Part 112. As previously stated, as a condition of the settlement, you must correct the violations within 30 days of your receipt of this letter. EPA, at its discretion, may grant one 30-day extension to

come into compliance if you demonstrate that it is technically infeasible or impractical to achieve compliance within 30 days. A request for a 30-day extension should be sent to:

Chris Gebhardt, Compliance Officer  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900 (M/S OCE-101)  
Seattle, WA 98101

The Expedited Settlement Agreement, when executed by both parties, is binding on both you and EPA. Upon receipt of the signed document and a certified check for the amount of the penalty, EPA will take no further action against you for the violations cited in the Expedited Settlement Agreement. EPA will neither accept nor approve the Expedited Settlement Agreement if returned more than 30 days after the date of your receipt of this letter unless an extension has been granted by EPA.

If you do not pay the penalty and return the Expedited Settlement Agreement within 30 days of your receipt of this letter, unless an extension has been granted by EPA, the Settlement Agreement will be automatically withdrawn without prejudice to EPA's ability to file an enforcement action for the cited violations. Failure to sign and return the Expedited Settlement Agreement and pay the penalty within the approved time does not relieve you of the responsibility to comply fully with the SPCC regulations, including correcting the violations that have been specifically identified in the Penalty Form. If you decide not to sign and return the Settlement Agreement and pay the penalty, EPA can pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to \$37,500 per day of violation.

You are required in the Expedited Settlement Agreement to certify that you have corrected the violations and paid the penalty. As noted above, **you are also required to document the corrections you have made by providing adequate documentation addressed to the above referenced Compliance Officer in Seattle.** The payment for the penalty amount must be in the form of a certified check payable to the Oil Spill Liability Trust Fund, with EPA and the Docket Number of the Expedited Settlement Agreement on the certified check. The Docket Number (CWA-10-2017-0094) is also located at the top of the left column of the Expedited Settlement Agreement. The certified check is to be sent by certified mail to:

**U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000**

You are also required to send a copy of the certified check and the original Expedited Settlement Agreement to:

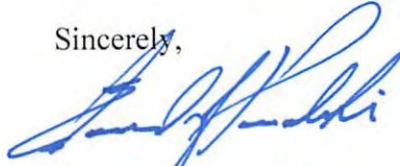
**Chris Gebhardt, Compliance Officer  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900 (M/S OCE-101)  
Seattle, WA 98101**

You should retain a copy of the Expedited Settlement Agreement and of the penalty payment. EPA will forward to you a copy of the fully executed Expedited Settlement Agreement.

By terms of the Expedited Settlement Agreement, and upon EPA's receipt of the signed Expedited Settlement Agreement and a certified check for the amount of the penalty, you waive your opportunity for a hearing pursuant to Section 311 of the CWA. EPA will treat any response to the proposed Expedited Settlement Agreement, other than acceptance of the settlement offer, as an indication that the recipient is not interested in pursuing an expedited settlement of this matter.

If you have any questions, please do not hesitate to contact Chris Gebhardt, Compliance Officer, at (206) 553-0253.

Sincerely,



Edward J. Kowalski  
Director

Enclosures

cc: Mr. Ben Jarvis  
Idaho Department of Environmental Quality

